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SENATE BILL 474

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Mark Boitano

AN ACT

RELATING TO PUBLIC SCHOOLS; CREATING THE CHARTER SCHOOLS
EDUCATIONAL COOPERATIVE; PROVIDING POWERS AND DUTIES; CREATING
A COORDINATING COUNCIL; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"Charter Schools Educational Cooperative Act"."

Section 2. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Charter
Schools Educational Cooperative Act:

A. "cooperative" means the charter schools
educational cooperative; and

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1 B. "council" means the charter schools educational
2 cooperative coordinating council."

3 Section 3. A new section of the Public School Code is
4 enacted to read:

5 "[NEW MATERIAL] COOPERATIVE POWERS AND DUTIES.--

6 A. The "charters school educational cooperative"
7 may be created by charter schools to provide education-related
8 services to charter schools. Any charter school may join the
9 cooperative. The cooperative is a state agency
10 administratively attached to the department; provided, however,
11 the cooperative:

12 (1) may own and have control and management
13 over buildings and land independent of the property control
14 division of the general services department;

15 (2) shall not submit its budgets to the
16 department of finance and administration, but shall submit them
17 to the public education department, and the department shall
18 determine by rule the provisions of the Public School Finance
19 Act relating to budgets and expenditures that are applicable to
20 the cooperative; and

21 (3) is exempt from the provisions of the
22 Personnel Act.

23 B. The department shall establish procedures for
24 oversight of the cooperative to ensure compliance with state
25 and federal laws and department rules. The department may

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1 request the cooperative to provide specific services to charter
2 schools in addition to those services approved by the long-
3 range plan or the council.

4 C. The cooperative shall develop a long-range plan
5 for educational and technical assistance that may be provided
6 to charter schools, including:

7 (1) accounting and fiscal management
8 assistance;

9 (2) centralized purchasing;

10 (3) professional development for licensed
11 school employees and charter school board members;

12 (4) grant writing and grants administration;

13 (5) research and planning; and

14 (6) such other services as requested by
15 charter schools and approved by the council or as requested by
16 the department."

17 Section 4. A new section of the Public School Code is
18 enacted to read:

19 "[NEW MATERIAL] COUNCIL--CREATED--MEMBERSHIP.--The
20 "charter schools educational cooperative coordinating council"
21 is created. The council shall be composed of the principals or
22 financial officers of each charter school that participates in
23 the cooperative. Members of the council shall elect a chairman
24 from its members. Meetings shall be held at the call of the
25 chairman. A meeting of a majority of the members of the

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1 council constitutes a quorum for the purpose of conducting
2 business. Members of the council may receive per diem as
3 provided in the Per Diem and Mileage Act."

4 Section 5. A new section of the Public School Code is
5 enacted to read:

6 "[NEW MATERIAL] COUNCIL--POWERS AND DUTIES.--

7 A. At the request of the council, the secretary of
8 public education may designate the council as a board of
9 finance in accordance with Section 22-8-38 NMSA 1978. If the
10 designation is not made or if the designation is suspended by
11 the secretary pursuant to Section 22-8-39 NMSA 1978, the money
12 appropriated or distributed to the cooperative shall be
13 deposited with the state treasurer. Unexpended or unencumbered
14 balances in the account of the cooperative shall not revert to
15 any other fund at the end of a fiscal year.

16 B. The council may:

17 (1) employ a director, who shall employ such
18 additional professional, technical and clerical staff as
19 necessary;

20 (2) enter into contracts;

21 (3) adopt and promulgate rules; and

22 (4) determine educational-related services to
23 be provided to charter schools.

24 C. The council shall:

25 (1) oversee the function and operation of the

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cooperative; and

(2) adopt a budget and administrative guidelines for the internal operation of the cooperative."

Section 6. APPROPRIATION.--One hundred fifty thousand dollars (\$150,000) is appropriated from the general fund to the public education department for expenditure in fiscal year 2005 to carry out the provisions of the Charter Schools Educational Cooperative Act. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund.